

**UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

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In re  
**THE UPPER CRUST, LLC, et al.,**  
Debtors

Chapter 7  
Case No. 12-18134-JNF

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**MARK G. DEGIACOMO, CHAPTER 7
TRUSTEE OF THE UPPER CRUST, LLC, et al.,**
Plaintiff,
v.
JORDAN TOBINS and STEFANY TOBINS,
Defendants

Adv. P. No. 14-1163

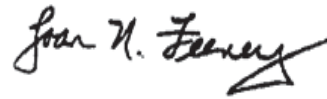
ORDER

In accordance with the Memorandum dated July 20, 2016, the Court denies the Motion for Summary Judgment filed by the Defendants; grants the Motion for Partial Summary Judgment filed by the Plaintiff, Mark G. DeGiacomo, the Chapter 7 Trustee of the estate of the Upper Crust, LLC and related entities (collectively, the “Upper Crust” or the “Debtor”)¹ with respect to the Defendants’ Third Affirmative Defense and

¹ The other Chapter 11 cases substantively consolidated with The Upper Crust, LLC (Case No. 12-18134) are The Upper Crust - Back Bay, LLC (Case No. 12-18135), The Upper Crust-Fenway, LLC (Case No. 12-18136), The Upper Crust-Harvard Square, LLC (Case No.12-18137), The Upper Crust-Hingham, LLC (Case No.12-18138), The Upper Crust-Lexington, LLC (Case No. 12-18139), The Upper Crust-State Street, LLC (Case No. 12-18140), The Upper Crust - South End, LLC (Case No. 12-18142), The Upper Crust - Pennsylvania Avenue, LLC (Case No. 12-18143), The Upper Crust - D.C., LLC (Case No. 12-18148), The Upper Crust - Waltham, LLC (Case No. 12-18144), The Upper Crust-Watertown, LLC (Case No. 12-18145), The Upper Crust-Wellesley, LLC (Case No. 12-

counterclaims set forth in their Amended Answer, Affirmative Defenses, Jury Demand and Counterclaim, and denies the Defendants' Cross-Motion for Summary Judgment."

By the Court,

A handwritten signature in black ink, appearing to read "Joan N. Feeney", with a stylized flourish at the end.

Joan N. Feeney
United States Bankruptcy Judge

Dated: July 20, 2016

18146), and JJB Hanson Management, Inc. (Case No. 12-18147) (collectively, the "Debtors"). The Court granted the Chapter 7 Trustee's Motion to Substantively Consolidate the Debtors' Bankruptcy Estates on April 10, 2013, approximately one month after the Debtors' Chapter 11 cases were converted to cases under Chapter 7.